

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WILLIAM C. SWAN,

Plaintiff,

v.

Case No. 19-cv-1031-pp

JUDY SMITH, JENNIFER VANDE VOORT,
and WILLIAM WRIGHT, JR.,

Defendants.

**ORDER SETTING DEADLINE FOR PLAINTIFF TO RESPOND TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Williams C. Swan, who is representing himself, filed a complaint under 42 U.S.C. §1983. On January 22, 2021, the defendants filed a motion for summary judgment. Dkt. No. 27. Under Civil Local Rule 56(b)(2) (E.D. Wis.), the plaintiff's response materials are due within thirty days of service of the motion—**by February 22, 2021**. This means that he must file those materials in time for the court to *receive* them by **February 22, 2021**.

The plaintiff must respond to each of the defendants' proposed findings of fact (Dkt. No. 29), either by agreeing with the proposed fact or explaining why he disagrees with the proposed fact. If the plaintiff does not either agree or disagree with a proposed fact, the court will assume that he agrees with that proposed fact. The plaintiff must support every disagreement with a proposed fact by citing to evidence. He can do that by relying on documents that he attaches to his response or by telling the court his version of what happened in an affidavit or an unsworn declaration under 28 U.S.C. § 1746.¹ An unsworn

¹ At the bottom of his declaration the plaintiff should state: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature]." 28 U.S.C. § 1746(2).

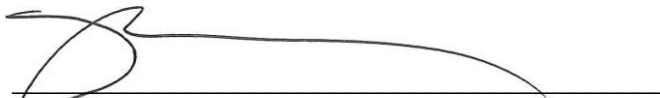
declaration is a way for a party to tell his side of the story while declaring to the court that everything in the declaration is true and correct. The plaintiff also must respond to the legal arguments in the defendants' brief (Dkt. No. 28) by explaining why he disagrees with those arguments.

Under Civil L.R. 7(d), if a plaintiff does not respond to a motion for summary judgment, his failure to respond is sufficient cause for the court to grant the motion (in other words, to rule in favor of the defendant[s]). And under Civil L.R. 41(c), if it appears to the court that a plaintiff is not diligently prosecuting his case (for example, if he fails to respond to a motion for summary judgment), the court may dismiss the case with or without prejudice. If the plaintiff believes he needs additional time to prepare his response materials, then in time for the court to receive it *before* his response materials are due, he must file a motion asking the court to extend the deadline. If he files such a motion, he must explain why he needs additional time and how much additional time he needs.

The court **ORDERS** that if the court has not received the plaintiff's response materials by the end of the day on **February 22, 2021**, the court will grant the defendants' motion and dismiss this case.

Dated in Milwaukee, Wisconsin this 25th day of January, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge